

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:03-cr-069

-vs-

Magistrate Judge Michael R. Merz

:

JOSEPH LEONE,

Defendant.

DECISION AND ORDER DENYING MOTION TO EXPUNGE

This case is before the Court on Defendant's motion to expunge his record of conviction in this case (Doc. No. 16).

This case involves a charge of possession of marijuana in violation of 21 U.S.C. § 844. Defendant was eligible for and placed on prejudgment probation with his consent (Doc. No. 9). Had he successfully completed the prejudgment probation, he would have had no conviction arising out of these charges. However, Defendant violated the terms of his pre-judgment probation by being convicted of another criminal offense. His prejudgment probation was revoked and he was convicted and placed on regular probation for a year. This Court has no authority to expunge the conviction and the motion for expungement is DENIED.

March 29, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge